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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/042,441  | 11/09/2001  | Akira Yamamori       | FUJS19.137          | 4633             |
| 7590  | 10/18/2005  |                      | EXAMINER            |                  |
| Rosenman & Colin LLP<br>575 Madison Avenue<br>New York, NY 10022-2585 |             |                      | BLOUNT, STEVEN      |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2668                |                  |

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | Application No.           | Applicant(s)     |
|------------------------------|---------------------------|------------------|
|                              | 10/042,441                | YAMAMORI ET AL.  |
|                              | Examiner<br>Steven Blount | Art Unit<br>2661 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 September 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1 - 16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1 - 16 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_ .

## **DETAILED ACTION**

### ***Drawings***

1. Figures 21 - 27 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1, 10 – 11 are objected to because of the following informalities:

In claim 1 (for example) in lines 10+, "for writing ranks to the received cells" is deemed improper in view of the teachings of the specification which do not expressly teach writing "ranks" (?) to the cells. More specifically, on page 38 of the specification, it is stated that "a stored flag (flag area) indicated by (k) is added to received cells in the receiving buffer area. The CPU 25 makes a decision, on the basis of the value of this stored flag, whether it is a cell already read out or whether it is a cell which is not read out yet." This passage, in combination with figure 15, indicate that the flag is written into memory, but not specifically into the cells. Appropriate correction is required. Applicant is also requested to check the numbering of the means elements in the claims. For example, member 23 (lines 10 and 5 (2<sup>nd</sup> par)) is used inconsistently. Also, in line 10, member 23 is actually 21c. Finally, in claim 14, lines 16 – 18, "any of said...means" is objected to, and applicant is requested to at least rewrite the substance

of this material in dependent claim form. Also, claim 8 as preliminarily amended has the word “sad” in it in line 2.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15 – 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 15, lines 7+, “operable of adding writing ranks on writing in a memory (22) in correspondence with said path information outputted from said path recognizing section (21a) and of outputting a size of a writing area” is indefinite.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 - 3, and 6 – 7, 10, and 15 - 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,521,915 to Dieudonne et al.

With regard to claim 1, Dieudonne et al teaches dividing variable length messages (col 3 lines 1+) and extracting path information (col 13 lines 65+) wherein the path information is allocated to a memory area CT (col 14, lines 14+) wherein “ranking” information (CO) is written to memory wherein the information CO is used (col 14 lines 50+). Note also the use of binary

word G (col 14 line 20). Although Dieudonne et al does not explicitly teach the memory area is larger than the size of the message, one of ordinary skill in the art would recognize that to be of any practical use at all, the size of the memory would need to be substantially larger than the size of the variable length message, and would consequently have found it obvious at the time of the invention to have implemented it as such.

With regard to claim 2, it would be obvious to provision the size of writing area, writing position, and number of cells in relation to the number of cells and message number in order to optimize the communication link.

With regard to claim 3, see col 14 lines 30+ (queues read in order of cell arrival).

With regard to claim 6, see the use of the message number associated with CO.

With regard to claim 7, it would be obvious to check the memory size before putting information into it.

With regard to claim 10, see the rejection of claim 1 above.

With regard to claims 15 – 16, see the rejection of claims 1 – 2 above.

7. Claims 8 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,521,915 to Dieudonne et al as applied above to claims 1, 3, and 6 – 7 and 10, and further in view of the Applicants Admitted Prior Art (AAPA).

With regard to both of these claims, Dieudonne et al teaches the invention as described above, but does not teach using an adaptation layer message, or using an AAL5 adaptation layer message. This is taught in AAPA. See page 5, lines 20+ of the specification.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have used an adaptation layer message in Diuedonne et al in light of the teachings of AAPA in order to provide a means of transferring the communication data in a more effective manner.

8. Claims 4 – 5 and 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,521,915 to Dieudonne et al as applied above to claims 1, 3, and 6 – 7 and 10, and further in view of U.S. patent 5,649,217 to Yamanaka et al.

With regard to claim 4, Dieudonne et al teaches the invention as described above, but does not teach writing flag information indicative of whether or not the received cells are read out. This is taught in Yamanaka. See col 11 lines 55+ (read/write).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Dieudonne et al with flag information indicative of whether the cells are read out, in light of the teachings of Yamanaka, in order that the information may be read in and out in a more efficient manner.

With regard to claim 11, see the rejection of claim 1 above.

With regard to claim 14, see the rejection above and note the method steps are all taught in the rejection of the apparatus.

9. Claims 12 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,521,915 to Dieudonne et al and U.S. patent 5,649,217 to Yamanaka et al as applied to claims 4 - 5 and 11 above, and further in view of the applicants admitted prior art.

Diedonne et al/Yamanaka et al teach the invention as described above, but do not teach dividing an adaptation layer message, or that the said adaptation layer message is based on AAL5. This is taught in the AAPA, as discussed above. It would have been obvious to one of

ordinary skill in the art at the time of the invention to have divided an adaptation layer message based on AAL5 in Dieudonne et al/Yamakana et al in light of the teachings of AAPA in order to provide a means of transferring the communication data in a more effective manner.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571 - 272 - 3071. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached on 571 - 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Ajit Patel*  
Ajit Patel  
Primary Examiner

SB  
  
10/6/05